2: Mitchell E-5 (1946-1949) 1956 FT7 Tao FT7

again. In the past, disputes hinging on murder had this aspect, although they were usually settled by a feud. Nowadays, of course, all murder cases are lifted altogether out of the hands of the chief, but the special fine for bloodshed is still levied in cases of assault. When a man is convicted of assault in the chief's court he will have to pay three separate amounts: one to the victim as compensation, one as a fine to the Native Treasury, and one to the chief 'so that he may see again'. 682 683

A similar provision applies to cases of arson. When a case is brought to the chief because a man has burnt another's hut, the chief will say that the guilty man has 'brought a torch into his country'. The man convicted of arson will have to pay a special fine to the chief in the same way as the man who caused bloodshed. The association of the unity of the chiefdom with fire probably has some place in the attitude of the chief here. People who have come to a chiefdom as strangers are said to have come to 'seek the chief's fire',[1] and all the fires in the chiefdom are supposed to have been kindled from one flame. This expresses the unity of the chiefdom: the burning of the hut, therefore, symbolizes the introduction of discordant elements, as well as being a serious crime in itself. 685 372

The Chief's Judicial Functions

It is clear from MacDonald's writings that in pre-White days the chief settled most of the serious disputes in his chiefdom. Nowadays, this function of the chief has been given legal sanction under the Native Courts' Ordinance of 1933. 'A' grade courts have the power of imposing fines not exceeding £5, or 6 months' imprisonment and 12 strokes whipping; and 'B' grade courts may impose fines not exceeding £1 and imprisonment including hard labour not exceeding one month, but not corporal punishment. The Native Authorities, Jalasi, Nyambi, Kawinga and Liwonde, all have 'A' courts; the Subordinate Native Authorities, Chikowo, Ngokwe, Chiwalo, Chamba, Mposa, Mlomba, Stora, have 'B' courts. Only a certain proportion of disputes is brought to trial in these Native Authority courts. This is because, firstly, the Administration does not admit the legality of some disputes. Most of these centre on charges of witchcraft, 692 693 692 673

[1] A similar view of fire in the village context is discussed in Chap. V, p. 112.

2: Mitchell E-5 (1946-1949) 1956 FT? Yao FT?

but some also on having killed children by *ndoka*[1] (a disease caused by the mystical influence of sexual intercourse). Secondly, [illegible] cases are brought to the court are petty squabbles which do not involve heavy compensation. Examples of these disputes are personal quarrels, disputes over land ownership, petty theft and so on. The Native Authority's court handles mainly cases arising from adultery, which involve compensation varying from £1 10s. to £3; and theft and assault for which similar compensation may be payable. If the case is brought up to the chief's court there is a mechanism whereby the compensation may be enforced. Ordinarily, in those cases which are not tried in the court house, there is no legal sanction behind the payment of the compensation, so that if a man defaults in payment no legal pressure can be brought to bear on him. It is for this reason that such cases are tried in the court house.

The cases are heard by the court assessors who call the witnesses and cross-examine them. Sometimes a chief or his representative is in the court, as at Kawinga's court, but sometimes as in Chiwalo's court, the chief never comes to the court house at all. After the evidence is sifted, one court assessor takes the case to the chief and tells him about it. On the basis of the court assessor's analysis he awards compensation and imposes fines. The court assessor then takes this information back to the court house, remembers the protagonists, and announces the chief's decision. The losing party has then the opportunity to appeal, first to the court of the Native Authority, if the case was tried in a Subordinate Native Authority's court, and then to the District Commissioner.

Cases tried by the chief in his extra-Administrative capacity are usually tried outside the court house. The same personalities take part in the trial but they act now with reference to a different set of values. The procedure is exactly the same, except that in Chiwalo's area the chief is present at the hearing. He sits somewhat aside from the main body of people but within hearing distance, weaving a mat or making nets while the case is being tried.

In minor cases, if either of the parties is dissatisfied with the decision, he may take the case up to the chief for arbitration and, theoretically, may then take it from him if he is a Subordinate

[1] See Chap. V, p. 111.

Taking advantage of the natural inquisitiveness of youth, a favorite trick for making money is for a man to appear in a village making promises of having a peep-show, something mentioned in a newspaper headline or in a circle. On payment of some small amount, the youth is allowed to peep in, maybe only to see a dead mouse; finding he had been "done," he of course bursts out laughing and, anxious that all his companions should also be "done," he does not "give it away" and so the peep-show man makes quite a good living.

The girls play with dolls of two kinds, *Ubih*, made from little gourd-like fruits called *thangu*, and others called *mamanako*, "a child," made from maize cobs. These dolls they carry about on their backs as mothers do their children. *Ubih* is made of three of these little spherical fruits glued together with beeswax; on the one which represents the head, wool, red and blue, of the *alangalan* tree are cemented in rows to represent hair, and often beads, as in the suburbs method of hair-dressing. One sees similar dolls made for the children of other tribes. Thus, among Monkey's Augusi, a doll called *mamen*, "a child," is made in a double-ball form of two small spherical gourds joined by a bundle of sticks bound together with string and wax; on the head-piece string is cemented to represent hair. Their children also play with little clay images of cattle and oxen, a custom they have preserved from their old Batu ancestors but foreign to the Tao. The Ambonda children have carved wooden dolls not seen in any other tribe. *Mamanako* is made from a cocoanut by shredding the papery coverings of the nut; on these shreds are threaded white and red varieties of maize to represent beads, or the shreds are plaited into a number of tags to represent hair.

Lastly, the children have taken to making hoops and show considerable skill in driving them with a piece of bent reed (Pl. XXIII, fig. 8), while the older boys make two-wheeled representations of bicycles with a very clever imitation of all the parts of the machine.

The whipping top, *wanpipo* or *wanpango* (spoil, Chin.), is found among the boys' toys. It is made of a conical piece of wood with a flat top and no metal peg. It is started spinning by pulling off the string wound round the top. The whip consists of a piece of string fastened to the end of a stick. Sometimes tops of large size are used, and two boys whip them from opposite sides (Pl. XXII, fig. 4).

A game called *shipute* is played by youths; it takes its name from *ba-puti*, to strike, and refers to the action of striking with a finger the bead in which a hole is groved to be. A spiral is drawn with the finger in the sand with a central point to represent a village, and a tail piece prolonged on one side to a second point which represents a shore-market on the coast. Along the line, a number of other points are demarcated to represent sleeping places en route. At the village, two white beans are put to represent the two players and with each is a smaller brown bean to represent his slave. At the shore-market are placed a variety of beans to represent trade-goods, coins, beads, etc. Each of the two players in turn shakes a single bean in his closed hands and then shows the hands, separating them at the